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10 Attorneys for NexTag, Inc.

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN FRANCISCO DIVISION

14 Louis Vuitton Malletier S.A.,

15 Plaintiff,

16 vs.

17 NexTag, Inc.,

18 Defendants.

CASE NO. 3:07 -cv-03763-MMC (JCS)

DECLARATION OF STACY M.  
MONAHAN IN SUPPORT OF NEXTAG,  
INC.'S UNOPPOSED MOTION TO  
SHORTEN TIME TO HEAR NEXTAG  
INC.'S MOTION TO COMPEL  
DEPOSITION OF LOUIS VUITTON  
MALLETIER S.A.

Hearing Date: April 29, 2008

Time: TBD

Place: TBD

Discovery Cut-Off: July 23, 2008

Pre-Trial Conference: February 3, 2009

Trial Date: February 17, 2009

1 I, Stacy M. Monahan, declare as follows:

2 1. I am an associate in the law firm of Quinn Emanuel Urquhart Oliver &  
3 Hedges, LLP, counsel for defendant NexTag, Inc. ("NexTag") in the above-captioned action. I  
4 make this declaration in support of NexTag, Inc.'s Unopposed Motion to Shorten Time to Hear  
5 NexTag Inc.'s Motion to Compel Deposition of Louis Vuitton Malletier S.A. The statements in  
6 this declaration are based upon my personal knowledge, and if called as a witness I could testify  
7 competently thereto.

8 2. NexTag served its notice for deposition of Louis Vuitton Malletier S.A.  
9 ("Louis Vuitton") under Federal Rule of Civil Procedure 30(b)(6) on February 19, 2008. NexTag  
10 properly noticed that deposition to take place in California, in the forum in which Louis Vuitton  
11 filed suit, and where NexTag, NexTag's counsel, and Louis Vuitton's counsel are located.  
12 According to the Louis Vuitton web site, [www.louisvuitton.com](http://www.louisvuitton.com), Louis Vuitton operates five  
13 stores in the Northern District of California alone, and 19 stores throughout California.

14 3. On February 27, 2008 Margret Caruso and I discussed the deposition of  
15 Louis Vuitton's 30(b)(6) witnesses with J. Andrew Coombs, counsel for Louis Vuitton. Mr.  
16 Coombs took the position that a flight to California was an inconvenience to Louis Vuitton and  
17 proposed that the deposition of its 30(b)(6) witnesses take place in New York.

18 4. In compliance with Civil L.R. 37-1(a), counsel for Louis Vuitton and  
19 NexTag have met and conferred regarding the location of the deposition on multiple occasions  
20 throughout March and April. On April 10, 2008, NexTag informed Louis Vuitton that it was  
21 willing to conduct the depositions in New York at Louis Vuitton's sole expense. On April 11,  
22 Louis Vuitton refused. On April 14, NexTag again contacted Louis Vuitton prior to filing its  
23 motion to compel deposition of Louis Vuitton's witnesses in California.

24 5. Per Civil L.R. 7-2, the earliest date on which the motion to compel can be  
25 scheduled is May 20, 2008, assuming that the magistrate judge assigned to hear the motion is  
26 available on that date. The parties have scheduled mediation on June 4, 2008 before Magistrate  
27 Judge Joseph C. Spero. The parties' mediation submissions are due May 21, 2008. Per the  
28 Court's Scheduling Order, all non-expert discovery must close by July 23, 2008.


1           6.       Because of the scheduled deadline for the parties' mediation submissions,  
2 NexTag will be substantially harmed and prejudiced in its defense if its motion to shorten time is  
3 not granted. NexTag will be unable to use any of the information from Louis Vuitton's  
4 depositions in mediation. NexTag will also be substantially harmed and prejudiced in its defense  
5 because all non-expert discovery closes July 23, 2008. If the motion to compel is not heard until  
6 the week of May 20, the depositions will not commence until early June. NexTag will have only a  
7 few weeks to analyze the Louis Vuitton transcripts, determine what additional discovery it needs  
8 based on the depositions, and obtain that information. Such a delay would materially harm  
9 NexTag's ability to prepare its defense for summary judgment and trial.

10           7.       On April 14, 2008, I called J. Andrew Coombs, counsel for Louis Vuitton,  
11 to ask him to stipulate to the time change requested in this motion. Mr. Coombs agreed to a  
12 shortened schedule for the Motion to Compel and stated that he does not oppose the motion to  
13 shorten time. Because Mr. Coombs will be traveling after April 30 and unavailable to attend a  
14 hearing, he requested that the hearing for the Motion to Compel be scheduled between April 28  
15 and April 30, 2008.

16           8.       Only one previous time modification has occurred in this case. On March  
17 12, 2008, the parties stipulated to extend the April 3, 2008 deadline to complete the Alternative  
18 Dispute Resolution process to June 19, 2008, in order to allow the parties to resolve their  
19 discovery disputes prior to mediation.

20           9.       The time modification requested by NexTag would have no effect on the  
21 schedule for the case. However, if the Court chooses not to grant the motion to shorten time,  
22 NexTag will be forced to seek a postponement of the mediation currently scheduled for June 4,  
23 and may seek to extend the discovery deadline set by the Court.

1 I declare under penalty of perjury under the laws of the United States that the  
2 foregoing is true and correct. Executed this 14th day of April 2008, in San Francisco, California.

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6 Stacy M. Monahan  
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